

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 4/29/2016

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----	X
UNITED STATES OF AMERICA,	:
	:
-against-	:
	:
KEVIN JOHNSON,	:
Defendant.	:
-----	X

15-CR-565 (VEC)

ORDER

VALERIE CAPRONI, United States District Judge:

Pursuant to the April 28, 2016 conference, it is hereby ORDERED that, on or before May 4, 2016, Defendant must submit a letter to the Court regarding whether the New York City Office of the Chief Medical Examiner's ("OCME") will voluntarily disclose the source code for the Forensic Statistical Tool ("FST"), with or without a protective order. If OCME refuses to disclose voluntarily the source code, then the parties must promptly inform the Court and the Court will set a status conference to discuss next steps. If OCME agrees to disclose and requires a protective order, then the Government and Defendant must promptly agree on the terms of a protective order.

If OCME voluntarily discloses the source code, not later than May 26, 2016, the Defendant must inform the Court how long its experts need to analyze the source code.

The time between April 28, 2016 and May 26, 2016 is excluded pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), because the ends of justice served outweigh the interest of the public and the defendant in a speedy trial. Specifically, pursuant to 18 U.S.C. § 3161(h)(7)(B)(iv), given the anticipated subject matter of defendant's motion to exclude, failing to grant the continuance would unreasonably deny counsel for the defendant the reasonable

time necessary for effective preparation, taking into account the exercise of due diligence.

SO ORDERED.

A handwritten signature in blue ink, reading "Valerie Caproni".

Date: April 29, 2016
New York, New York

VALERIE CAPRONI
United States District Judge